

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JACK STEIN,

Petitioner,

V.

JAMES SPAULDING,

Respondent.

Case No. C04-5499FDB

ORDER DENYING CERTIFICATE
OF APPEALABILITY

The Report and Recommendation recommended that this habeas corpus petition be dismissed without prejudice as unexhausted. The Court adopted the R&R, and denied reconsideration. Under these circumstances, a certification of appealability is DENIED.

SO ORDERED.

DATED this 28th day of July, 2005.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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